

REFERENCE TITLE: contractors' recovery fund; person injured

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2503

Introduced by
Representative McComish

AN ACT

AMENDING SECTION 32-1131, ARIZONA REVISED STATUTES; RELATING TO THE RESIDENTIAL CONTRACTORS' RECOVERY FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-1131, Arizona Revised Statutes, is amended to
3 read:

4 32-1131. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Assessment" means the contribution by a contractor to the
7 residential contractors' recovery fund.

8 2. "Fund" means the residential contractors' recovery fund.

9 3. "Person injured":

10 (a) Means any owner of SINGLE FAMILY residential real property, ~~which~~
11 ~~INCLUDING A CONDOMINIUM, A TOWNHOUSE, A DUPLEX, A TRIPLEX OR ANY OTHER~~
12 ~~RESIDENCE IN A PLANNED COMMUNITY, THAT~~ is classified as class three property
13 under section 42-12003 ~~and which is actually occupied or intended to be~~
14 ~~occupied by the owner as a residence OR AS CLASS FOUR PROPERTY UNDER SECTION~~
15 ~~42-12004~~, including community property, tenants in common or joint tenants
16 who are damaged by the failure of a residential contractor or a dual licensed
17 contractor to adequately build or improve a residential structure or
18 appurtenance on that real property. ~~Included in this definition are~~

19 (b) INCLUDES lessees of SINGLE FAMILY residential real property,
20 ~~INCLUDING A CONDOMINIUM, A TOWNHOUSE, A DUPLEX, A TRIPLEX OR ANY OTHER~~
21 ~~RESIDENCE IN A PLANNED COMMUNITY~~, who contract directly with a residential
22 contractor or indirectly with a subcontractor of that contractor and
23 homeowners' or unit owners' associations after transfer of control from the
24 builder or developer for damages to the common elements within the complex.

25 (c) DOES NOT INCLUDE AN OWNER OF PROPERTY THAT IS CLASSIFIED AS CLASS
26 THREE PROPERTY UNDER SECTION 42-12003 IF THE PROPERTY IS REQUIRED TO BE
27 CLASSIFIED AS CLASS FOUR PROPERTY UNDER SECTION 42-12004.

28 4. "Residential contractor" means a contractor as defined in section
29 32-1101 who is licensed to perform work on residential property pursuant to
30 this chapter and who engages in residential contracting.